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DIVORCE — JUDICIAL SEPARATION — PETITIONER'S ADULTERY AS DEFENSE — EFFECT OF RESPONDENT'S CONNIVANCE. — A decree of dissolution on the ground of the wife's adultery was refused because of the petitioner's own conduct conducing to her acts. The wife then sought a judicial separation on the ground of cruelty. The Divorce Court granted the decree. On appeal, *held*, that the wife's adultery is an absolute bar to a decree of judicial separation. *Everett v. Everett*, 121 L. T. R. 503 (Court of Appeal).

The petitioner on his return from foreign service found his wife living in adultery under such conditions as to endanger the health and morals of his own children by her. He removed the children to the home of a friend, with whom he later had intercourse. He desires a divorce in order to marry this second woman, who appears to be making a good home for his children. A decree *nisi* for dissolution having been granted, the King's Proctor intervened, asking that the decree be dismissed. But the court in the exercise of its discretion *held*, that the decree be made absolute. *Wilson v. Wilson*, 36 T. L. R. 91 (Prob. Div. & Adm. Div.).

The respondent wife was incited to adultery by the petitioner, who himself was guilty of adultery down to the time of the petition. The court being convinced that the respondent will later marry the corespondent, who appears worthy and sober, *held*, that a decree *nisi* issue and the respondent be given custody of the children. *Marven v. Marven*, 36 T. L. R. 106 (Prob. Div. & Adm. Div.).

Adultery of the petitioner is ordinarily a bar to a decree for judicial separation. *Hawkins v. Hawkins*, 193 N. Y. 409, 86 N. E. 468; *Otway v. Otway*, 13 P. D. 141. But where the petitioner's adultery has been condoned by the respondent there is authority under which the Court of Appeal in the *Everett* case might have granted the decree of separation. *Anichini v. Anichini*, 2 Curt. 210. See 20 & 21 VICT. c. 85, § 22. Cf. DRAFT ACT COM'RS UNIFORM STATE LAWS, ANNULMENT OF MARRIAGE & DIVORCE, § 5 (1907). Failure to do so drives the wife back to a life of prostitution under the husband's orders. A better result is reached by the lower court in the other two cases where decrees of dissolution issued. For in most jurisdictions after such an absolute divorce remarriage is open even to guilty parties. See 20 & 21 VICT. c. 85, § 57. See also STIMSON, AM. STAT. LAW, § 6241; BISHOP, MAR., DIV. & SEP., § 706. But see *People v. Baker*, 76 N. Y. 78. Moreover, there is authority to support these two decisions where the petitioner's adultery was condoned. *Cumming v. Cumming*, 135 Mass. 386; *Jones v. Jones*, 18 N. J. Eq. 33; *Burdon v. Burdon*, [1901] P. 52. See TIFFANY, DOM. REL., § 108. Such a plea as adultery by way of recrimination fails when it does not itself show sufficient grounds for a divorce. *House v. House*, 131 N. C. 140, 42 S. E. 546. Certainly the connivance appearing in the principal cases should be as destructive to a recriminatory plea as mere condonation.

EQUITY — JURISDICTION — RIGHT OF A MINOR CHILD TO MAINTENANCE BY FATHER. — The defendant had abandoned his wife and minor children. The children, by their next friend, bring a bill in equity requesting a monthly allowance for maintenance, and that the same be made a lien upon the defendant's property. *Held*, that the bill be dismissed. *Rawlings v. Rawlings*, 83 So. 146 (Miss.).

At common law the duty of a father to support his infant child was regarded as a mere moral obligation. See *Shelton v. Springett*, 11 C. B. 452, 455; *Bazeley v. Forder*, L. R. 3 Q. B. 559, 565. This duty has been enforced indirectly by holding the father liable, by a fiction of implied authority to those who supply the children with necessaries. *Walters v. Niederstadt*, 194 S. W. 514 (Mo.). See 10 HARV. L. REV. 454. In equity the court may decree maintenance out of the child's separate estate if the father is unable to provide satisfactory